

Pfw

Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent	Docket No. P-4366C1
--	-------------------------------

In Re Application Of: **Jean Pierre Grimard**

Application No. 10/650,575	Filing Date August 28, 2003	Examiner Shamim Ahmed	Customer No. 26253	Group Art Unit 1765	Confirmation No. 8197
--------------------------------------	---------------------------------------	---------------------------------	------------------------------	-------------------------------	---------------------------------

Invention: METHOD AND INSTALLATION FOR SURFACE MARKING OF A SUBSTRATE

Owner of Record: Becton, Dickinson and Company

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,638,440. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

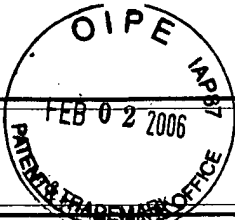
David Fortunato
Signature

Dated: January 30, 2006

David M. Fortunato
Typed or Printed Name

02/03/2006 RFEKADU1 00000032 021666 10650575
01 FC:1814 130.00 DA

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
- ☒ PTO suggested wording for terminal disclaimer was unchanged.
- ☒ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.



TRANSMITTAL LETTER
(General - Patent Pending)

Docket No.
P-4366C1

In Re Application Of: **Jean Pierre Grimard**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/650,575	August 28, 2003	Shamim Ahmed	26253	1765	8197

Title: **METHOD AND INSTALLATION FOR SURFACE MARKING OF A SUBSTRATE**

COMMISSIONER FOR PATENTS:


Transmitted herewith is:

Terminal Disclaimer

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1666** as described below.
- ☒ Charge the amount of **\$130.00**
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.


Signature

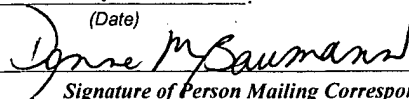
Dated: **January 30, 2006**

David M. Fortunato
Attorney for Applicant
Reg. No. 42,548
Becton, Dickinson and Company
1 Becton Drive - MC110
Franklin Lakes, New Jersey 07417
201-847-6940

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

January 30, 2006

(Date)


Signature of Person Mailing Correspondence

Donna M. Baumann

Typed or Printed Name of Person Mailing Correspondence

cc: